#### § 2802.10

## Subpart 2802—Lands Available for FLPMA Grants

### § 2802.10 What lands are available for grants?

- (a) In its discretion, BLM may grant rights-of-way on any lands under its jurisdiction except when:
- (1) A statute, regulation, or public land order specifically excludes rightsof-way;
- (2) The lands are specifically segregated or withdrawn from right-of-way uses; or
- (3) BLM identifies areas in its land use plans or in the analysis of an application as inappropriate for right-of-way uses.
- (b) BLM may require common use of a right-of-way and may require, to the extent practical, location of new rights-of-way within existing or designated right-of-way corridors (see §2802.11 of this subpart). Safety and other considerations may limit the extent to which you may share a right-of-way. BLM will designate right-of-way corridors through land use plan decisions.
- (c) You should contact the BLM office nearest the lands you seek to use to:
- (1) Determine whether or not the land you want to use is available for that use; and
- (2) Begin discussions about any application you may need to file.

## § 2802.11 How does BLM designate corridors?

- (a) BLM may determine the locations and boundaries of right-of-way corridors during the land-use planning process described in part 1600 of this chapter. During this process BLM coordinates with other Federal agencies, state, local, and tribal governments, and the public to identify resource-related issues, concerns, and needs. The process results in a resource management plan or plan amendment, which addresses to what extent you may use public lands and resources for specific purposes.
- (b) When determining which lands may be suitable for right-of-way corridors, the factors BLM considers include, but are not limited to, the following:

- (1) Federal, state, and local land use plans, and applicable Federal, state, local, and tribal laws;
- (2) Environmental impacts on cultural resources and natural resources, including air, water, soil, fish, wildlife, and vegetation;
- (3) Physical effects and constraints on corridor placement due to geology, hydrology, meteorology, soil, or land forms:
- (4) Costs of construction, operation, and maintenance and costs of modifying or relocating existing facilities in a proposed right-of-way corridor (i.e., the economic efficiency of placing a right-of-way within a proposed corridor);
  - Risks to national security;
- (6) Potential health and safety hazards imposed on the public by facilities or activities located within the proposed right-of-way corridor;
- (7) Social and economic impacts of the right-of-way corridor on public land users, adjacent landowners, and other groups or individuals;
- (8) Transportation and utility corridor studies previously developed by user groups; and
- (9) Engineering and technological compatibility of proposed and existing facilities.
- (c) BLM may designate any transportation and utility corridor existing prior to October 21, 1976, as a transportation and utility corridor without further review.
- (d) The resource management plan or plan amendment may also identify areas where BLM will not allow rightof-way corridors for environmental, safety, or other reasons.

# Subpart 2803—Qualifications for Holding FLPMA Grants

#### §2803.10 Who may hold a grant?

To hold a grant under these regulations, you must be:

- (a) An individual, association, corporation, partnership, or similar business entity, or a Federal agency or state, tribal, or local government;
- (b) Technically and financially able to construct, operate, maintain, and terminate the use of the public lands you are applying for; and